

REFERENCE TITLE: community facilities districts; renewable energy

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2336

Introduced by
Representatives Mason, Ableser, Chabin, Farley, Miranda B, Patterson:
Boone, Goodale, Jones

AN ACT

AMENDING SECTION 48-701, ARIZONA REVISED STATUTES; RELATING TO COMMUNITY FACILITIES DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 48-701, Arizona Revised Statutes, is amended to
3 read:

4 **48-701. Definitions**

5 In this article, unless the context otherwise requires:

6 1. "Clerk" includes any person or official who performs the duties of
7 clerk of the municipality or county or any person appointed by the district
8 board to be the district clerk pursuant to section 48-711, subsection D.

9 2. "County" means a county that forms a community facilities district
10 pursuant to this article in an unincorporated area or in an incorporated area
11 with the municipality's consent.

12 3. "Debt service" means the principal of, interest on and premium, if
13 any, on the bonds, when due, whether at maturity or prior redemption and fees
14 and costs of registrars, trustees, paying agents or other agents necessary to
15 handle the bonds and the costs of credit enhancement or liquidity support.

16 4. "District" means a tax levying community facilities district formed
17 pursuant to this article by a municipality or formed pursuant to this article
18 by a county in an unincorporated area or in an incorporated area with the
19 municipality's consent.

20 5. "District board" means the board of directors of the district,
21 which shall be comprised of the members of the governing body of the
22 municipality or county, ex officio, or, at the option of the governing body,
23 five directors appointed by the governing body under this article.

24 6. "Enhanced municipal services" means public service provided by a
25 county or municipality within the district at a higher level or to a greater
26 degree than provided in the remainder of the county or municipality,
27 including such services as public safety, fire protection, street or sidewalk
28 cleaning or landscape maintenance in public areas.

29 7. "General obligation bond" means a bond that is issued pursuant to
30 section 48-719 and that is secured by a pledge of ad valorem taxes levied by
31 the district.

32 8. "General plan" means the general plan described in section 48-702,
33 subsection B, as the plan may be amended.

34 9. "Governing body" means the body or board ~~which~~ THAT by law is
35 constituted as the legislative department of the municipality or county.

36 10. "Municipality" means an incorporated city or town.

37 11. "Owner" means the person who, on the day the action, election or
38 proceeding is begun or held, appears to be the owner of real property as
39 shown on the property tax assessment roll.

40 12. "Public infrastructure" means all improvements listed in this
41 paragraph that will result in a beneficial use principally to land within the
42 geographical limits of the district and may include a district's share of any
43 improvements listed in this paragraph if the district board determines such
44 share is proportionate to the beneficial use of such improvements to land
45 within the geographical limits of the district, improvements within or

1 outside the geographical limits of the district, necessary or incidental
2 work, whether newly constructed, renovated or existing, and all necessary or
3 desirable appurtenances. For the purposes of this paragraph, adoption by the
4 district board of a resolution of intent pursuant to section 48-715 shall
5 conclusively establish that the improvements or, if applicable, share of the
6 improvements that are the subject of the resolution will result in a
7 beneficial use principally to land within the geographical limits of the
8 district. Public infrastructure improvements are:

9 (a) Sanitary sewage systems, including collection, transport, storage,
10 treatment, dispersal, effluent use and discharge.

11 (b) Drainage and flood control systems, including collection,
12 transport, diversion, storage, detention, retention, dispersal, use and
13 discharge.

14 (c) Water systems for domestic, industrial, irrigation, municipal or
15 fire protection purposes, including production, collection, storage,
16 treatment, transport, delivery, connection and dispersal, but not including
17 facilities for agricultural irrigation purposes unless for the repair or
18 replacement of existing facilities when required by other improvements
19 permitted by this article.

20 (d) Highways, streets, roadways and parking facilities, including all
21 areas for vehicular use for travel, ingress, egress and parking.

22 (e) Areas for pedestrian, equestrian, bicycle or other nonmotor
23 vehicle use for travel, ingress, egress and parking.

24 (f) Pedestrian malls, parks, recreational facilities other than
25 stadiums, and open space areas for the use of members of the public for
26 entertainment, assembly and recreation.

27 (g) Landscaping, including earthworks, structures, lakes and other
28 water features, plants, trees and related water delivery systems.

29 (h) Public buildings, public safety facilities and fire protection
30 facilities.

31 (i) Lighting systems.

32 (j) Traffic control systems and devices, including signals, controls,
33 markings and signage.

34 (k) RENEWABLE ENERGY INFRASTRUCTURE, INCLUDING ELECTRIC GENERATION
35 SYSTEMS AND ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEMS, THAT IS USED OR
36 USEFUL FOR THE GENERATION, TRANSMISSION OR DISTRIBUTION OF ELECTRIC POWER,
37 ENERGY OR FUEL DERIVED FROM SOLAR, WIND OR OTHER NONPETROLEUM RENEWABLE
38 SOURCES, INCLUDING MATERIALS AND SUPPLIES.

39 ~~(k)~~ (l) Equipment, vehicles, furnishings and other personalty related
40 to the items listed in this paragraph.

41 13. "Public infrastructure purpose" means:

42 (a) Planning, design, engineering, construction, acquisition or
43 installation of public infrastructure.

44 (b) Acquiring, converting, renovating or improving existing facilities
45 for public infrastructure.

1 (c) Acquiring interests in real property for public infrastructure.
2 (d) Establishing, maintaining and replenishing reserves from any
3 source described in section 48-717 or from any other source in order to
4 secure payment of debt service on bonds.

5 (e) Notwithstanding section 48-589, funding and paying from bond
6 proceeds interest accruing on bonds for a period of not to exceed three years
7 from their date of issuance.

8 (f) Providing for the timely payment of debt service on bonds or other
9 indebtedness of the district.

10 (g) Refinancing any matured or unmatured bonds with new bonds.

11 (h) Incurring expenses of the district incident to and reasonably
12 necessary to carry out the purposes specified in this paragraph.

13 14. "Revenue bonds" means those bonds that are issued pursuant to
14 section 48-720 and that are secured by a pledge of revenues of the district
15 or revenues collected by the county or municipality and returned to the
16 district.

17 15. "Treasurer" includes any person or official who performs the duties
18 of treasurer of the municipality or county or any person appointed by the
19 district board as the district treasurer pursuant to section 48-711,
20 subsection D.